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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,065	01/28/2002	Jung Owan Lee	DE-1337	5410

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,065

Applicant(s)

LEE, JUNG OWAN

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In an effort to expedite the prosecution of the application [compact prosecution], the examiner called applicant on December 9, 2003 & December 11, 2003 in an effort to place the application in condition for allowance [proposing amendments to the claims – incorporating the limitations of either claims 5 or 6 into the independent claims], a time-frame [at the end of the day – due to the office's need to issue an office action in response to applicant's amendment] was given so as to respond to the proposal. Applicant was unable to accept the proposal within the time-frame; as such, the following is a Final office action on the merits.

Claim Objections

2. Claims 2 & 6 are objected to because of the following informalities: In claims 2 & 6, the phrase "member is" respectively, should be changed to --members are--.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 & 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al., [U.S. Patent No. 4,586,348]. Nakayama (figures 1-12) teaches of a refrigerator cabinet assembly (fig. 1) comprising: an outer case (2) including two

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laterally spaced side walls (15, 16) and a top wall (17) interconnecting the two sides, a front edge portion of each of the side walls and the top wall is bent inwardly so as to define first, second and third front face portions respectively (19); upper front reinforcing members (26) for increasing the structural rigidity of the outer case, the upper members being secured to the first, second and third face portions; a lower front reinforcing member (43 for example) for increasing the structural rigidity of the outer case, the lower member being secured to the first and second face portions; and means (screws) for securing the reinforcing members to the outer case, wherein the cabinet assembly is devoid of welded portions [note the "background" section in the prior art]. As to claim 2, the assembly further comprising first and second lower side reinforcing members (lower front portions of members 46) secured to rear face portions of the first and second face portions of the outer case. As to claim 8, the outer case is a pre-coated metal plate (note the "summary" section in the prior art). Nakayama teaches applicant's invention substantially as claimed, but does not show the upper front reinforcing member as being one element [Nakayama utilizes two elements]. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a single reinforcing member, since forming in one piece an article which performs the same function as two previously known pieces, if joined together, involves only routine skill in the art lacking a new or unobvious functional relationship with the assembly, the single member will not distinguish the invention from the prior art in terms of patentability.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama in view of Vismara [U.S. Patent No. 5,730,516]. Nakayama teaches applicant's inventive claimed assembly as disclosed above, but does not show

insulating members made of expandable polystyrene [Nakayama employs a foamed polyurethane]. However, Vismara (figures 1-9) teaches the use of expandable polystyrene insulating members (16) in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the insulating means of Nakayama so as to incorporate the insulating members as taught by Vismara because this arrangement would provide Nakayama with a way to maintain a high thermal insulation while at the same time being easily dismantled into related elements to facilitate recycling when ready for demolition.

Allowable Subject Matter

6. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark et al., Carbary et al., and Avendano et al., describe refrigerator cabinet assemblies having bent front portions supplemented with reinforcing members.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
December 12, 2003